

REMARKS

No amendments are requested to the Abstract. In Applicant's non-compliant response sent 1/9/04, Applicant erroneously requested the amendments identified on page 2 of 10 herein be made to the Abstract. These amendments are properly made to the Specification as identified herein. Applicant regrets this error and any inconvenience or confusion this may have caused.

Applicant also submits amended Figs. 4-6 that are clearly labeled as replacement figures, as noted in the Notice of Non-Compliant Amendment. Pursuant to the Examiner's request, amended Figs. 4-6 now include a descriptive legend for block 22.

Applicant again respectfully requests entry of the above amendments and consideration of the following remarks as previously requested in Applicant's non-compliant response sent 1/9/04. Applicant wishes to note that its non-compliant response and amendment sent 1/9/04 included a petition for a one-month extension of time up to and including 1/9/04 to respond to the Office Action mailed 9/9/03, together with payment of the \$55.00 small entity one-month extension fee in accordance with 37 C.F.R. §1.136(a). As noted in the Notice of Non-Compliant Amendment of 2/2/04, Applicant has been given one month from the mailing date of the Notice to supply the corrected sections in compliance with 37 C.F.R. §1.121. If any additional fees are due regarding this matter, please contact Applicant's attorney, Turan P. Odabasi, at 402-472-0259 immediately.

Claims 1-15 and 17-19 are pending in the application. Claims 16 and 20 have been cancelled.

Claims 1, 4, 7, 10, 13, 17 and 18 stand rejected as being anticipated by Crow. Claims 1, 2, 7-8, 13, 16 and 20 stand rejected as being anticipated by Chung-Piao. Claims 1, 5, 7, 11, 13

and 14 stand rejected as being anticipated by Cranford et. al. Claims 1, 3, 7, 9, 13 and 16 stand rejected as being anticipated by Halperin. Claims 13 and 19 stand rejected as being anticipated by Hiraki. Claims 4 and 10 are rejected as being unpatentable over Chung-Piao. Claims 6, 12 and 15 are rejected as being unpatentable over Cranford, et al. Applicant respectfully traverses these rejections.

Neither Halperin, Hiraki, Crow, Cranford et al., Chung Piao, nor any of the other cited references disclose -- either expressly or inherently -- each and every limitation of claims 1, 7, and 13 as amended. Accordingly, none of the cited references anticipate claims 1, 7, or 13 under 35 U.S.C. 102. Because claims 2-6, 8-12, 14, 15, and 17-19 depend directly or indirectly from claims 1, 7, or 13, these dependent claims are similarly not anticipated by the cited references.

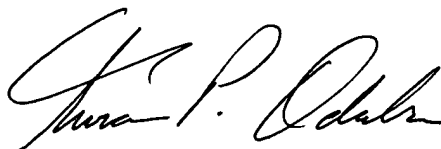
Applicant submits that amended claims 1, 7, and 13 are not rendered obvious by either Cranford et al. or Chung-Piao in combination with any of the other references. Because claims 2-6, 8-12, 14-15, and 17-19 now depend from claims 1, 7, and 13 as amended, applicant submits that these claims are also allowable. Furthermore, Claims 2-3, 8-9 and 14-15 have been amended to recite specific protective articles to be worn and completely cover a user's hand. Claims 5-6, 11-12 and 18-19 have been amended to recite the action of the user clapping his or her hands as actuating and de-actuating in a rapid and repeated manner the means for generating sound in the apparatus. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations (See MPEP 2143). The Examiner has provided no motivation or suggestion to combine references to produce the result of these amended claims. Even if such motivation did exist, a combination of the cited references would still not produce the result of applicant's invention.

In view of the foregoing remarks, it is submitted that the pending claims are patentably distinguishable over the art of record, and it is requested that the rejections of the claims be withdrawn and the application is in a condition for allowance. However, should the examiner feel that any unresolved issues remain in the case, the undersigned may be contacted at 402-472-0259 to arrange for an issue-resolving conference.

Favorable consideration of the application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Turan P. Odabasi', written in a cursive style.

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